

UNITED STATES DISTRICT COURT
COMMONWEALTH OF MASSACHUSETTS

THOMAS MCNIFF,
Plaintiff

C.A. No.: 05CV10238 RBC

v.

TOWN OF DRACUT,
Defendant

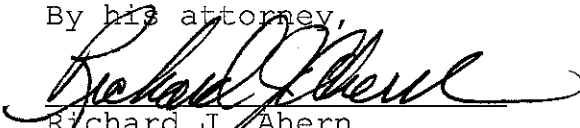
**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT**

Pursuant to Mass.R.Civ.P. 56, Plaintiffs move this Court DENY Defendants summary judgment in its entirety. In support of this motion, Plaintiff states that the pleadings and affidavits in this case show that there is genuine issues as to any material facts with respect to the above-referenced claims and that Defendants Motion for Summary Judgment must be denied. As grounds for this Motion the Plaintiff states:

1. It is a question for the finder of fact whether in the circumstances of this case there was a violation of the Americans With Disability Act and State and Federal law when the plaintiff was not appointed interim chief.

2. In further support of this motion, Plaintiffs respectfully refer the Court to the memorandum of law served in conjunction with this motion.

The Plaintiff,
THOMAS MCNIFF,
By his attorney,


Richard J. Ahern
Attorney at Law
BBO # 556537
Ahern & DeWitt
200 Central Street
Lowell, MA 01852
978-970-2989

CERTIFICATE OF SERVICE

I hereby certify that on this day
a true copy of the above document
was served upon each attorney of
record, or pre se litigant, by mail
by hand.

12-22-05
date